

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. \_\_\_\_\_

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	CERTIFICATION OF A
	)	SEXUALLY DANGEROUS PERSON
EARL WEBSTER COX,	)	
Register Number 20029-044,	)	
	)	
Respondent.	)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 12<sup>th</sup> day of July, 2011.

THOMAS G. WALKER  
United States Attorney

By: /s/ Michael G. James  
MICHAEL G. JAMES  
Assistant U.S. Attorney  
Attorney for Petitioner  
U.S. Attorney's Office  
Civil Division  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461  
(919) 856-4530  
Fax: (919) 856-4821  
E-mail: mike.james@usdoj.gov  
N.Y. Bar #2481414

CERTIFICATE OF SERVICE

This is to certify that I have this 12<sup>th</sup> day of July, 2011, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and placing the envelope in the U.S. mail for delivery to:

Earl Webster Cox  
Reg. No. 20029-044  
FCI Butner  
P.O. Box 1000  
Butner, NC 27509

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender  
150 Fayetteville Street  
Suite 450  
Raleigh, North Carolina 27601

/s/ Michael G. James  
MICHAEL G. JAMES  
Assistant U.S. Attorney  
Attorney for Petitioner  
U.S. Attorney's Office  
Civil Division  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461  
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**CERTIFICATION OF A SEXUALLY DANGEROUS PERSON**

(1) I, Ivonne E. Bazerman, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248.

(2) Bureau records reflect the following: Inmate Earl Webster Cox, Register Number 20029-044, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 120-month term of imprisonment and three-year term of supervised release, following his conviction for Attempted Enticement of a Minor to Travel in Interstate Commerce for Sexual Activity, in violation of 18 U.S.C. §§ 2422(a) and 2426(a), and Receipt of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2)(A) (D. Colo.) (Case No. 03-CR-45-01-RB). His offense conduct included sending sexually explicit emails to an undercover agent posing as a 14-year-old girl; sending the "girl" money to travel from Virginia to Colorado so that she could be his sex slave; instructing the "girl" to meet him wearing a short skirt, red tube top, and no undergarments; and meeting an undercover police officer posing as the girl at the pre-arranged meeting location, at which time he stated, "you

don't look fourteen." His projected release date is September 27, 2011.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C.

§ 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

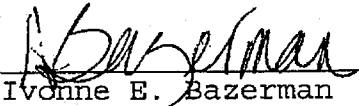
(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his current offense conduct. Additionally, he was previously convicted of Sodomy With a Child Under the Age of 16, three counts of Striking a Child Under the Age of 16, and six counts of Taking Indecent Liberties With a Child Under the Age of 16, in a United States Air Force general court-martial proceeding, convened at Rhein-Main Air Base, Germany (General Court Martial Order No. 6) (May 14, 1982). His offenses occurred primarily while babysitting and involved four (4) female victims between the ages of eight (8) and eleven (11) years old. His offense conduct included licking the vaginal area of a victim, spanking the buttocks of two victims, inserting a candy cane into the vagina of a victim, inserting his finger into a victim's vagina and pulling down her pants,

forcing a victim to pull down her pants and rubbing the victim's private parts with his hand, rubbing a victim's private parts over her clothing, and grabbing a victim by the waist and turning her upside down with her legs spread apart;

(b) A psychological review and assessment indicated Axis I diagnoses of Pedophilia, Sexually Attracted to Females, Nonexclusive Type, and Paraphilia Not Otherwise Specified (Hebephilia);

(c) A review and assessment of him using an actuarial risk assessment instrument (Static-99R) was conducted. This result, in addition to his current and prior offense conduct, a lack of positive social influences, presence of negative social influences, lack of capacity for relationship stability, sexual preoccupation, and deviant sexual interests, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

  
Ivonne E. Bazerman  
Chairperson  
Certification Review Panel  
Federal Bureau of Prisons

6/13/2011  
Date

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FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. \_\_\_\_\_

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	ORDER
	)	
EARL WEBSTER COX,	)	
Register Number 20029-044,	)	
	)	
Respondent.	)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this Court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a) (5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the appointment of a mental health examiner of the Respondent's choosing. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

Any and all future forensic reports, and other such psychological and psychiatric reports or documents relevant to this case, whether such reports are produced by the Federal Bureau of Prisons, independent examiners appointed by order of this Court, or other mental health professionals, shall be filed with this Court under seal, without need of further motion to seal, by either party. Further the Clerk is DIRECTED to permanently seal these reports in accordance with Local Civil Rule 79.2(b), E.D.N.C.

The Court hereby notifies the parties that in light of the provisions of the August 04, 2010 Standing Order, the parties will not be required to conduct an initial scheduling conference pursuant to Fed. R. Civ. P. 26(f).

This \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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United States District Judge